IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 34286 of 2006(F)
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PETITIONER:
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CHINNAMMA, AGED 50 YEARS,
W/O.M.V. GEORGE, MAMPUZHAKKAD HOUSE,
MANIMOOLY P.O., EDAKKARA, MALAPPURAM DISTRICT.

BY ADV. SRI.A.T.ANILKUMAR
SRI.P.DALBI EMMANUEL

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, TRIVANDRUM.

2. THE CHIEF ENGINEER (HRM)
VYDYUTHI BHAVAN, K.S.E.B., PATTOM PALACE P.O.,
THIRUVANANTHAPURAM P.O.

3. THE ACCOUNT OFFICER,
(PENSION AUTHORIZATION) C/O. THE
CHIEF ENGINEER (HRM), VYDYUTHI BHAVAN,
K.S.E.B., PATTOM PALACE P.O.,
THIRUVANANTHAPURAM P.O.

4. THE EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, K.S.E.B., NILAMBUR.

5. THE EXSECUTIVE ENGINEER,
ELECTRICAL DIVISION, K.S.E.B., MANJERY.

R1 BY GOVT. PLEADER MR. BIJOY CHANDRAN.
R2 TO R5 BY S.C. MR. K.S. ANIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.K. DENESAN, J.**

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**W.P.(C) No. 34286 OF 2006 F**
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**Dated this the 19th January, 2007**

**J U D G M E N T**

The petitioner is the widow of late Shri. M.V. George who died on 7-4-2004 after retirement from the service of the Kerala State Electricity Board. The 2nd respondent wrote letter dated 27-11-2004 with copy to the petitioner informing the latter that sanction was accorded for payment of terminal benefits which include Rs.2,16,926/- towards commuted value of pension for payment in favour of the legal heirs of late M.V. George. Thereafter the commuted value of pension was revised to Rs.2,58,321/- so that the legal heirs will get a balance amount of Rs.41,395/-. Subsequently, Ext. P3 letter was issued by the 4th respondent requesting the petitioner to execute indemnity bond. The petitioner fulfilled the conditions stipulated for payment of commuted value of pension. But the same was not disbursed to her. Feeling aggrieved she has filed this writ petition for a direction to the 2nd respondent to release the commuted value of pension.

2. Legal Liaison Officer, on instruction, submits

that late Shri. George was not entitled for the commuted value of pension since he died before the competent authority had accorded sanction for the same. According to the rules commuted value of pension is not payable in cases where the pensioner dies before passing formal orders according sanction for the payment of commuted value of pension. The respondent-Board addressed the 1st respondent-Government seeking clarifications in the matter. The Government as per letter dated 8-11-2006 has informed the Board that no amount is due to the petitioner towards commuted value of pension since sanction accorded for payment of commuted value of pension was not in order. Sanction accorded after the death of the pensioner is not a valid order and cannot be enforced. According to the respondents, the orders earlier passed sanctioning commuted value of pension have been cancelled. But no such order has been communicated to the petitioner.

3. In the light of the facts stated above, his writ petition is disposed of directing the respondents to communicate to the petitioner the order passed by the Government on 8-11-2006, for her information. The

right of the petitioner to challenge the cancellation order is reserved.

**K.K. DENESAN**
**JUDGE**

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